

DETAILED ACTION

1. This communication is in response to applicant's amendment filed May 23, 2007. Claims 1, 5, 6, 8-10, and 12-14 have been amended. Claims 1, 2, 4-6, 8-10, and 12-14 are pending and under consideration in this case.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 2, 4-6, 8-10, and 12-14 as currently amended have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-6, 8-10, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al (US 5,638,443) in view of Christiano (US 5,671,412)

5. Regarding claim 1 –

Stefik discloses a method of digital rights management (e.g. abstract) in which rights are variable depending on various events such as fees paid (e.g. col 5 ln 62-67), managing user right information indicating the state in which the software program and used and user rights (e.g. col 6 ln 1-5); where all uses of copies of the digital work are controlled and billable (e.g. col 6 ln 12-15); updating the user rights information (e.g. col 13 ln 20-

25); where the program is executed according to updated user rights information (e.g. col 13 ln 10-17).

6. Stefik does not specifically disclose expanding user rights beyond what was originally provided. Christiano, however does (e.g. col 5 ln 5-15). It would be obvious to one of ordinary skill in the art to combine the teachings of Stefik and Christiano since both are in the same field of endeavor and motivated by the need to provide service under situations of server inaccessibility in times of need, disaster, etc.

7. Regarding the limitations of claims 2 and 4 - Stefik discloses decoding user information such as credit information so as to update user rights based on said encrypted information (e.g. fig 3, col 7 ln 21-31); and verifying said information by way of predetermined keys (verification information) (e.g. col 14 ln 38-43).

8. Stefik does not specifically disclose expanding user rights beyond what was originally provided. Christiano, however does (e.g. col 5 ln 5-15). It would be obvious to one of ordinary skill in the art to combine the teachings of Stefik and Christiano since both are in the same field of endeavor and motivated by the need to provide service under situations of server inaccessibility in times of need, disaster, etc.

9. Claims 8-10 and 12-14 are rejected under the same criteria discussed above.

10. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CRISTINA OWEN SHERR whose telephone number is (571)272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571)272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cristina Owen Sherr
Patent Examiner, AU 3621

/Jalatee Worjloh/

Primary Examiner, Art Unit 3621